FINAL REVISED

ENVIRONMENTAL ASSESSMENT

FOR THE

IMMIGRATION AND NATURALIZATION SERVICE

MULTI-TIERED PILOT FENCE PROJECT

(PHASES IA & II)

SAN DIEGO COUNTY, CALIFORNIA

Prepared for:
Immigration and Naturalization Service (INS)
Washington, D.C.

Prepared by:
U.S. Army Corps of Engineers
Los Angeles District
Los Angeles, CA

April 1997

FINDING OF NO SIGNIFICANT IMPACT
for
IMMIGRATION AND NATURALIZATION SERVICE (INS)
MULTI-TIERED PILOT FENCE PROJECT
SAN DIEGO COUNTY, CALIFORNIA

I have reviewed the attached Environmental Assessment (EA) prepared by the U.S. Army Corps of Engineers (Corps), Los Angeles District for the Immigration and Naturalization Service (INS) Multi-tiered Pilot Fence project (Phases IA & II) in San Diego County, California.

The INS proposes to implement a "multi-tiered" system of fences to prevent the entry of illegal immigrants and drugs into the United States along the U.S. and Mexico border (Border). Existing conditions pose significant operational challenges to the Border Patrol and require concentrated agent deployment throughout the area. The proposed action would greatly reduce the flow of illegal drugs in the San Diego region of the Border.

The project consists of constructing several sections of fence (total length about 2.1 miles) adjacent to the existing Border fence immediately west of the South Bay Waste Water Treatment Plant and in the vicinity of Otay Mesa Port of Entry (see Section 2.2 for details). Project construction is scheduled between the first week of May, 1997 and the end of September 1997, but no later than September 1998. In the event of delay, resource agencies and concerned individuals will be notified in writing.

The analysis of project-related potential environmental impacts is documented in the project's Environmental Assessment (EA).

Biological and cultural resource surveys were conducted by Corps staff to identify any sensitive resources potentially affected by the project. Findings were coordinated with the appropriate resource agencies and the areas containing sensitive resources were indicated for avoidance during project construction.

The proposed action is not anticipated to have any adverse impacts to physical setting, water quality, fish and wildlife habitat, threatened and endangered species, land use, socioeconomics, public safety, or cultural resources. Environmental commitments have been developed to minimize impacts to the environment, particularly air quality and biological resources.

In addition, the proposed project is not anticipated to have any long-term adverse impacts to the environment. The currently high disturbance levels to natural habitats in the vicinity of the project areas, however, would be expected to subside as a result of project implementation.

A review of the project EA and coordination with the appropriate agencies indicate that the actions, as proposed by the INS, will not have any significant impacts on the quality of the physical and biological environment. All requirements of the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) have been satisfied. Therefore, preparation of an Environmental Impact Statement (EIS) is not required.

4/22/97
Date

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1.0 PROJECT SUMMARY/LOCATION

1.1 Project Summary

The Immigration and Naturalization Service (INS) proposes to implement a "multi-tiered" system of fences to prevent the entry of illegal immigrants and drugs into the United States along the U.S. and Mexico border (Border). The proposed fences would be constructed adjacent to the existing Border fence at distances ranging from 100 to 360 feet (see Section 2.2).

The Final Revised Environmental Assessment (EA) is submitted to accommodate changes in the project construction schedule and to reflect changes in the nomenclature used to identify the project phases in conformance with project plans and specifications. A detailed project air quality analysis and information about staging areas are also included. Revisions include:

- Change construction start date from "March, 1997" to
R "first week of May, 1997"
- Change "Phase II" to "Phase IA"
- Change "Phase III" to "Phase II"

The Draft EA was submitted for 30-day public review on January 22, 1997 in compliance with National Environmental Policy Act (NEPA). A project news release was issued on February 10, 1997 and additional copies of the Draft EA were distributed in accordance with California Environmental
R Quality Act (CEQA) public review requirements. The Revised
R EA was submitted for 15-day public review on March 26, 1997. No comments were received from resource agencies or interested parties.

construction to ascertain the presence of burrowing owls. If nesting burrowing owls are found, the associated section of fence would be constructed after owls have vacated their burrows or the owls would be relocated by a qualified biologist.

1.2 Project Location

The project areas are located along the Border in the vicinities of the Tijuana River channel in San Ysidro and Otay Mesa Port of Entry (POE) at the terminus of State Route 125 (Figure 2).

1.2.1 West of Treatment Plant (Phase IA)

The project site for Phase IA of construction is located between Nelson Sloan gravel pit and SBWWTP, and south of Old Monument Road in the San Ysidro area of San Diego County (Figure 3).

1.2.2 Otay Mesa Port of Entry (Phase II)

The project site for Phase II of construction is located in the vicinity of Otay Mesa POE. The proposed fence extends 1.2 miles west and 0.3 mile east of Otay Mesa POE adjacent to the existing Border fence (Figure 4).

1.3 Summary of Construction Impacts

Construction impacts would be mostly short-term and result from the transportation of materials, construction equipment, presence and activity of personnel, and the construction operation necessary to complete the project. Fugitive dust particles and emissions generated by vehicles and equipment would increase within the project areas during

designs are still under consideration, two current design candidates are the "Bollard" style of fencing and the "Arched Security" style of fencing.

The Bollard style consists of 12-foot high reinforced concrete columns spaced 5 inches apart and topped with expanded mesh outriggers (Figure 5). The spacing between columns allows the passage of small wildlife and provides some view. The Arched Security style fencing is a 15-foot high heavy-gauge, tight weave mesh fence that curves outward to prevent scaling (Figure 6).

Fence alignments would range from approximately 100 to 350 feet from the existing Border fence and would be routed to avoid impacts to sensitive biological resources. In addition, electrical conduits would be installed concurrently with fence footings for future electronic surveillance and communications devices.

2.2.1 Phase IA Fence Alignment/Characteristics

This section of fence would extend 0.6 mile west (total length) from the southwest corner of SBWWTP at a starting distance of 95 feet from the existing Border fence and terminate at a distance of 360 feet from the Border.

At about the 0.4 mile mark, a 100-foot break in the alignment occurs to allow the passage of a small-scale intermittent stream originating from Tijuana. Due to current funding constraints, a box culvert would be installed at a later date across the streambed to preserve the streams's conveyance and to complete the proposed fence

2.2.3 Staging Areas

The Phase IA staging area coincides with the Phase I staging area, which is an approximately 100 x 100 feet vacant lot located near the southwest corner of SBWWTP (see Figure 3). This area was formerly used as a parking area for construction workers at the Treatment Plant.

The Phase II staging area would likely be located near the bend in Drucker's Lane or in the vicinity of La Media road and the existing Border Fence (see Figure 4). The section of proposed fence extending east of Otay Mesa POE might entail a short-term staging area adjacent to the existing dirt access road. These sites fall within the project-related areas of potential impact and have been surveyed as part of this EA. They are typically disturbed and of low habitat value.

2.2.4 Fence Installation/Equipment

Installation of the Bollard style fencing would consist of excavating and pouring 4 x 2 feet concrete footings. The Arched Security style fencing requires 4.5-feet deep by 1-foot wide continuous concrete footings (to discourage tunneling).

Construction equipment may include the following: backhoe, auger truck, road grader, flat-bed truck, fork lift, crane truck, cement truck(s), concrete conveyor, water truck, and pick-up trucks.

areas that are already developed or disturbed. Project environmental impacts would be nominal and short-term.

4.0 ENVIRONMENTAL SETTING

4.1 Physical Environment

The western portion of San Diego County slopes gently towards the Pacific Ocean. This area is divided into two general zones: a coastal plain and an inland mountain zone. Both project areas fall within the coastal plain.

The climate in San Diego County, as in most of southern California, is strongly influenced by its proximity to the Pacific Ocean and the semi-permanent high pressure systems that result in dry, warm summers and mild, occasionally wet winters. The average minimum temperature for January ranges from the mid 40s to high 50s in degrees Fahrenheit. July maximum temperatures average in the mid 80s to the high 90s. Most of the County's precipitation falls during the winter half of the year, from November to April, with infrequent precipitation (approximately 10 percent) occurring in the summer months. Average seasonal precipitation along the San Diego coast is approximately 10 inches.

4.2 Water Quality

Water quality in the project areas is generally considered poor due to urban run-off and sewage flows from the City of Tijuana. Because of high chlorine and sodium levels, regional groundwater quality is low.

The intermittent stream that originates from Tijuana and crosses the Phase IA alignment (see Section 2.2.1)

The Phase IA site occurs in a heavily disturbed and degraded area (mostly an inactive gravel pit) that has experienced substantial alterations to its pre-development conditions and topography. Topsoil is generally of poor quality and supports vegetation characteristic of disturbed areas of the region. Some of the prevalent species noted include: Russian thistle (*Salsola iberica*), sweet fennel (*Foeniculum vulgare*), tree tobacco (*Nicotiana glauca*), wild radishes (*Raphanous spp.*), and several trees, many of which were non-native. Two indicator species of coastal sage habitat (*Artemesia californica* (coastal sagebrush) and *Eriogonum fasciculatum* (flat top buckwheat)) were observed on the knoll west of SBWWTP, but were too sparsely distributed to form a viable stand of habitat.

Two small, ephemeral ponds (each approximately 15 x 10 x 1 feet in size), located in the vicinity of the alignment, one on top of and the other to the west of the knoll, could contain the endangered Riverside fairy shrimp (*Streptocephalus woottoni*) (Figure 7). There was insufficient moisture available to collect a sample. However, construction activities would be directed to avoid these areas.

The Phase II project area and vicinity consists of a tilled agricultural field to the west of Otay Mesa POE and an open dirt lot located east of the POE that is slated for development by the Transportation Department of California (Caltrans). A stormwater drainage ditch runs adjacent and parallel to the Border, beginning at the bend in Drucker's Lane and extending east beyond the fence alignment. Much of

view and helps to conserve the rural quality of the areas immediately north of the Border.

4.7 Socioeconomic

The City of San Diego is the nation's sixth largest city. San Diego has experienced one of the largest increases in population over the last two decades, due primarily to trans-border industrial developments. According to the San Diego Association of Governments, the 1980 and 1990 populations (Census data) of San Diego County were about 1,873,300 and 2,520,500 respectively.

Although San Diego is one of the wealthiest regions of the United States, the Imperial Valley, now in a period of economic growth, has persistent pockets of poverty and a chronic high unemployment rate (Ganster 1996). Following is a breakdown of the 1990 (Census data) average employees wage/salary for the San Diego region by sector:

Sector	Avg. Wage/Salary ($)
Mining	32,803
Manufacturing	30,289
Transportation and Public Utilities	29,611
Wholesale Trade	27,387
Finance, Insurance, and Real Estate	26,053
Construction	23,828
Services	21,506
Agriculture and Fishing	16,165
Retail Trade	13,157
San Diego Regional Average	22,131

Section). In addition, grading would be scheduled during the dry season and erosion control practices would be implemented.

5.2 Water Quality

No significant adverse impacts to water quality would result from the proposed project. Substrate in the area of the Phase IA alignment where grading would occur consists mainly of cobble; therefore, erosion concerns would be minimal. Grading would result in the displacement of approximately 5,000 cubic yards of fill and comprise about a 0.5 acre affected surface area. Because less than five acres of grading would be involved (per Section 402 of the Clean Water Act), no Stormwater Pollution Prevention Plan is required. Footing excavations and concrete pouring operations would result in only minor disturbances to the soil surface.

Installation of the box culvert in the intermittent stream that crosses the Phase IA alignment qualifies for Nationwide Permit No. 26A (projects involving disturbance to less than 0.3 acres of aquatic habitat) and therefore does not require an individual Section 404(b)(1) permit. Corps environmental staff coordinated with the San Diego office of the California Regional Water Quality Control Board for the State 401 Water Quality Certification. A waiver was granted on February 19, 1997. Project-related grading would be less than 5 acres; therefore, a Storm Water Pollution Prevention Plan would not be required and the project is in compliance with Section 402 of the Clean Water Act.

5.4 Biological Resources

No significant adverse impacts to sensitive biological resources are anticipated by the proposed project. Given the level of disturbance and development of both project areas, construction activities would pose minimal and short-term impacts to wildlife utilizing the project areas and vicinities. Mostly ruderal vegetation would be affected by construction activities.

In sections of the project areas where sensitive biological resources occur--such as burrowing owl nesting habitat near the Phase II alignment and wetland areas in the vicinity of both alignments--construction activities would be scheduled and directed away from those areas so as to avoid adverse impacts.

Overall, completion of the proposed fencing would reduce the current levels of human traffic and habitat disturbance in the vicinities of the project areas.

Burrowing Owls. Burrowing owls are protected under policies adopted by the California Department of Fish and Game (CDFG) Commission as "raptors". The section on raptors states that it is the intent of the Fish and Game Commission to "insure that raptor populations and their habitat shall be maintained and enhanced..." and that "indiscriminate take of raptors shall not be permitted (p. 583, Fish and Game Code 1993)". Burrowing owls are also protected Federally under the Migratory Bird Treaty Act (MBTA). The MBTA prohibits the incidental "take" of a migratory bird without a Special Purpose Permit, which is subject to the discretion

adjacent to the existing Border fence and in the vicinity of the Phase II alignment, shall be avoided during construction to avoid impacts to these wetlands.

Phase IA Ephemeral Ponds. Two ephemeral ponds, one on top of and the other to the west of the large knoll at the Phase IA site (see Figure 7), may contain the endangered Riverside fairy shrimp (*Streptocephalus woottoni*). In order to avoid adverse impacts to these potentially sensitive biological resources, construction activities would be directed away from these areas. Project supervisors would be instructed as to the location and sensitive nature of the ephemeral ponds prior to construction. This information would also be noted on construction plans.

5.4.1 Threatened, Endangered, and Candidate Species

Project areas were surveyed for federally protected species according to information provided by USFWS (see Appendix A). No extant threatened or endangered species were observed during the surveys. In particular, observations for the endangered San Diego button celery (*Eryngium aristulatum*) indicated an absence of this species in the project areas. Potential habitat for the endangered Riverside fairy shrimp (*Streptocephalus woottoni*) was observed near the Phase IA alignment (see preceding paragraph). No impacts to this or other federally protected species are anticipated from the proposed project.

5.5 Land Use

The proposed project would not change land use at the project sites. The proximity of the proposed fencing to the

5.9 Cultural Resources

No impacts to cultural resources are anticipated from the proposed project.

5.10 Cumulative Impacts

The close conformity of the multi-tiered system of fencing (Phases I, IA, and II) to the existing land use (Border control) in the project areas enhances the operational efficiency of Border Patrols assigned to those areas. This has the effect of reducing overall human activity in those areas and enhancing the quality of habitats occurring in the vicinity of the project areas. Consequently, it is anticipated that implementation of the multi-tiered system of fencing would have a net beneficial effect on the local environment.

A comprehensive analysis of the cumulative impacts of existing and proposed INS projects in the U.S./Mexico border region is provided in a Programmatic Environmental Impact Statement (PEIS) titled "JTF-Six Activities Along the U.S./Mexico Border"; Joint Task Force Six: Fort Bliss, Texas.

6.0 COORDINATION

Coordination has been conducted with the U.S. Fish and Wildlife Service, International Boundary and Water Commission (U.S. Section), The Resource Agency of California, California Department of Fish and Game, State Historic Preservation Office, California Coastal Commission,

State Historic Preservation Officer (SHPO). January, 1997; project archeologist coordinated with SHPO regarding assessment of project-related impacts to cultural resources. A letter summarizing the assessment and coordination was sent to SHPO. Concurrence was received on February 25, 1997.

California Coastal Commission. October, 1996-February, 1997; Corps environmental staff coordinated with Mr. Mark Delaplaine regarding project-related impacts in the coastal zone. A Negative Determination (ND) was submitted and concurrence granted in January, 1997. Correspondence regarding the changes in the Revised EA was sent to the Commission on March 26, 1997.

County of San Diego, Planning. October, 1996; the County of San Diego Planning Department was contacted via telephone with a description of the proposed project and anticipated impacts. Further coordination was conducted with City of San Diego, Development Services Department.

Regional Water Quality Control Board, San Diego Region. January-February, 1997; coordinated project application for the waiver of Section 401 Water Quality Certification with Ms. Angie Griffith. Waiver was granted on February 19, 1997.

San Diego Air Pollution Control District. January, 1997; provided project description and summary of anticipated air quality impacts via telephone to Mr. Ernie Davis. He stated the need for detailed air quality analysis

The Revised EA is mainly submitted to accommodate changes in the project construction schedule and to reflect changes in nomenclature used to identify the project phases. The distribution mailing list is included in Appendix E.

7.0 COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

All applicable laws, regulations, and Executive Orders were considered during preparation of this Draft EA. Those pertinent to this action are discussed as follows:

National Environmental Policy Act (Public Law 91-190). This assessment has been prepared in accordance with the goals and requirements of the Act. The proposed project complies with applicable environmental regulations as outlined in the following paragraphs.

National Historic Preservation Act (Public Law 94-43). Prior to initiation of any ground disturbing activities, the proposed project, or project elements as planned will be required to be in compliance with Section 106 of the National historic Preservation Act (36 CFR 800). Any changes to the proposed project will need to be coordinated before they may be implemented. A letter dated January 28, 1997 was sent to the SHPO stating that the project as planned would not involve any National Register listed or eligible properties. Concurrence was granted on February 25, 1997.

Endangered Species Act, as Amended (Public Law 93-205). A letter requesting information on endangered, threatened, and candidate species was sent to the U.S. Fish and Wildlife

Clean Air Act, as Amended (Public Law 91-204). Federal agencies must comply with all Federal, State, interstate, and local requirements with regard to the control and abatement of air pollution, including any requirements for permits. The U.S. Army Corps of Engineers is coordinating with the San Diego Air Pollution Control District (APCD) for any necessary permits based on a detailed evaluation of project air quality impacts.

Air quality analyses were performed for the proposed project (Appendix D). Total project exhaust emissions are estimated to be well below all applicable standards (see Appendix D, page D-7). In view of the determination that total project emissions for each criteria pollutant are estimated to be below *de minimus* levels as prescribed in 40 CFR 93.153(b), the proposed project is exempt from demonstrating conformity to state or Federal Implementation Plans. As a result, this project conforms with the Federal Clean Air Act as amended in 1990.

Executive Order 11990, Protection of Wetlands. Wetlands protection includes the avoidance to the maximum extent possible of short- and long-term adverse impacts associated with the destruction or modification of wetlands, and to avoid the support of new construction in wetlands. The proposed project is in compliance with this Executive Order. No wetland would be adversely affected by project construction or the fence alignment.

California Environmental Quality Act (CEQA). CEQA is the State level equivalent of NEPA. Local requirements for project compliance with CEQA were coordinated with City of San Diego Development Services Department, San Diego Daily Transcript, and local area public libraries to satisfy the 21-day public review requirements for the Draft EA. In coordination with Mr. Chris Zerkle of City of San Diego Development Services Department (see Section 6.1), it was determined that public review of the Revised EA would not invalidate the foregoing CEQA public review.

8.0 ENVIRONMENTAL COMMITMENTS

8.1 Where possible, construction would be avoided during owl breeding season between February 1 and August 31 in areas of burrowing owl habitat.

8.2 A qualified biologist would survey the area one week prior to the fence construction to ascertain the presence of burrowing owl. If necessary, owls would be relocated from the project area. Otherwise, fence construction may be delayed.

8.3 If necessary, a qualified biologist will be made available to relocate any burrowing owls in the impacted project area.

8.4 The project areas potentially containing the endangered Riverside fairy shrimp would be identified, flagged, and/or fenced as necessary during construction to avoid any impacts to this species or its habitat.

9.0 LIST OF PREPARERS

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10.0 REFERENCES

Ganster, P. 1996. Environmental Issues of the California-Baja California Border Region: Border Environment Research Reports No. 1. Southwest Center for Environmental Research and Policy: San Diego State University.

International Boundary and Water Commission (IBWC). 1994. International Wastewater Treatment Plant and Outfall Facilities: Final Environmental Impact Assessment. IBWC/U.S. EPA: San Diego.

Joint Task Force Six. 1994. Environmental Baseline Report; U.S./Mexico Border region. JTF-Six: Fort Bliss, Texas.

U.S. Army Corps of Engineers (USACE). 1995. General Survey/ Fact Finding Report, U.S.-Mexican Border Fencing Project. USACE: Los Angeles District

USACE. 1993. Joint Task Force Six Operation JT 032-94 San Diego Area Lighting Project, San Diego County, California: Final Environmental Assessment. USACE: Los Angeles District.

USACE. 1993. Joint Task Force Six Operation (JT 305-93/306-93) Border Fence Construction, San Diego County, California: Final Environmental Assessment. USACE: Los Angeles District.

8.5 The project area will be watered during the construction to minimize fugitive dust.

8.6 Construction equipment shall be utilized efficiently to minimize the amount of time engines are left idling.

8.7 Construction equipment shall be maintained to ensure that engines are properly tuned.

Executive Order 11998, Floodplain Management. This EA has considered the possible short- and long-term adverse impacts associated with maintaining the integrity of floodplain management in accordance with the Executive Order. The proposed project would have no adverse impacts on the Tijuana River floodplain.

Farmland Protection Policy Act (Public Law 97-98). No prime or unique farmland or farmland of statewide importance would be impacted by the proposed project.

Coastal Zone Management Act, California Coastal Act of 1976. The Coastal Zone Management Act (CZMA) preserves, protects, develops where possible, and restores and enhances the Nation's coastal zone resources for this and succeeding generations. The U.S. Army Corps of Engineers determined the project's consistency with the CZMA and submitted a Negative Determination (ND) to the California Coastal Commission for review. Concurrence was granted on January 29, 1997. A copy of the ND is included in Appendix C.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The alternatives considered for this EA did not discriminate on the basis of race, color, or national origin. Because the project occurs in largely unpopulated areas, no adverse impacts to human or socioeconomic resources were determined to exist.

Service January 6, 1997. A written response was received January 10, 1997. None of the indicated species would be adversely impacted by the proposed project.

Fish and Wildlife Coordination Act (Public Law 85-624). The proposed project does not involve the development of water resources, therefore, a Coordination Act report is not required. The project has been coordinated with U.S. Fish and Wildlife Service and California Department of Fish and Game. Each agency was provided a copy of the Draft EA.

Clean Water Act, as amended (Public Law 95-217). Impacts affecting water resources of the United States, as defined under the Clean Water Act, have been considered in this EA. The Environmental Design Section has coordinated with the Corps Regulatory Branch for necessary permit requirements in compliance with Section 404 of the Clean Water Quality Act. The proposed project construction conforms with Nationwide Permit No. 26A criteria. COE coordinated with Ms. Angie Griffith of the San Diego office of the California Regional Water Quality Control Board (CRWQCB) for the State 401 Water Quality Certification. The Corps submitted a request for the waiver of Water Quality Certification to the CRWQCB on January 28, 1997 (see Appendix B). A waiver was granted via telephone by Ms. Griffith on February 19, 1997. Project-related grading is less than 5 acres; therefore, a Storm Water Pollution Plan would not be required and the project is in compliance with Section 402 of the Clean Water Act.

to determine compliance with *de minimus* air quality standards. Detailed analysis indicated project-related air emissions are estimated to be well below all applicable standards.

City of San Diego, Development Services Department. January-March, 1997. Coordinated with Mr. Chris Zerkle to ensure project compliance with public review requirement of the California Environmental Quality Act (CEQA) due to a portion of the proposed project occurring on property owned by the City of San Diego. A twenty-one day public review period was initiated on February 10, 1997 and included a news release in the San Diego Daily Transcript and provision of the draft EA (Negative Declaration in CEQA terminology) to local area public libraries. Satisfaction of project-related CEQA requirements was acknowledged by Mr. Zerkle at the close of the public review period, March 3, 1997. With respect to the Revised EA, Mr. Zerkle stated via telephone on March 21, 1997 that the foregoing CEQA public review remains sufficient in view of the fact that no material changes to the proposed project have occurred.

6.2 Public Review of Draft

The Draft EA was provided to the concerned resource agencies and individuals for 30 days review in February 1997. To comply with CEQA regulations, a news release was provided in the appropriate local newspaper and copies of the Draft EA were provided to local area public libraries for public review. The Revised EA was submitted for 15-day public review in March, 1997. No comments were received.

County of San Diego, Regional Water Quality Control Board, San Diego Air Pollution Control District, and the City of San Diego.

6.1 Summary of Coordination

U.S. Fish and Wildlife Service. October, 1996; COE provided information regarding project description, anticipated impacts, and potential species of concern via telephone to Ms. Susan Wynn. Faxed copies of project description and accompanying figures. January, 1997; Corps staff met with FWS representatives to discuss project details as relating to sensitive biological resources. February, 1997; conducted project site visit with FWS staff.

International Boundary and Water Commission (IBWC). October, 1996; Corps environmental and engineering staff attended group meeting with IBWC and project proponents to review project. Corps staff periodically conducted project site visits with IBWC representatives.

The Resource Agency of California. January, 1997; the office of Ms. Maureen Gorsen was contacted regarding the proposed project. Copies of the Draft EA were forwarded to the State Clearinghouse for standard distribution.

California Department of Fish and Game (DFG). February, 1997; provided project description and nature of anticipated impacts to Ms Terry Dickerson via telephone. Copy of Draft EA was sent to DFG for review.

existing Border fence ensures that open-space and visual resources would not be adversely affected.

5.6 Aesthetics

The visual quality of the immediate Border area would be impacted by the placement of the proposed fencing. In light of the mostly commercial and agricultural land uses surrounding the project areas, this effect would be minor. The project areas are of restricted access to the general public and the surrounding areas are largely unpopulated. When viewed from a distance, the proposed Border fencing would be indistinguishable.

5.7 Socioeconomic

The project would have short-term, beneficial impacts on the local economy in the form of increased sales, trade, government revenues, and income as emanating from the patronage of project contractors and construction personnel for local goods and services. Construction personnel would require temporary lodging and depend upon a variety of retail businesses.

5.8 Noise

Noise levels in the project areas would increase during fence construction but return to reasonable levels after construction. No sensitive receptors are known to occur in the project areas and no long-term adverse impacts are anticipated.

of the Department of Agriculture and the U.S. Fish and Wildlife Service(USFWS). For the MBTA, nest is normally interpreted as an active nest with eggs or young. A permit is not required to excavate an empty burrowing owl burrow outside of the breeding season. In addition, an owl may be forced from a nest before excavation, as long as the owl is not physically harmed.

Burrowing owls have been observed in the vicinity of the proposed alignment east of Otay Mesa Port of Entry. In areas containing burrowing owl nesting habitat, construction would be avoided where possible during owl breeding season (February 1 to August 31). If construction during the breeding season is necessary, the project area would be surveyed one week prior to fence construction to ascertain the presence of burrowing owls. Where necessary, owls would be relocated by a qualified biologist from the project area prior to construction. A qualified biologist shall survey the impact area and excavate all owl burrows and potential owl burrows within the impact area to avoid having the owls attempt to nest on site. The surveys and excavations should be based on methods established by the California Burrowing Owl Consortium (1993). Prior to construction, a biologist will inspect the site to ensure that new burrows are not created or occupied by owls. If, despite these efforts, owls are found nesting within the right-of-way during construction, the nest shall be designated an Environmentally Sensitive Area.

Phase II Wetlands. The jurisdictional wetlands that occur in portions of the stormwater drainage ditch, located

5.3 Air Quality

Fence construction would have only short-term effects on air quality in the vicinity of the project sites. Impacts would be generated from construction activities in the form of vehicle and equipment exhausts and fugitive dust emissions.

A detailed analysis of project air quality impacts is provided in Appendix D. Analysis of base line conditions (see pages D-1 and D-2) indicates that concentrations for the federal criteria pollutants monitored in the project areas are lower than the basin-wide values except in the case of PM-10 (particulates). This condition is attributable mostly to the down-wind location, the large proportion of unpaved, agricultural surfaces (dust emissions), and the large numbers of diesel freight trucks passing through Otay Mesa Port of Entry in the vicinity of the monitoring station. Project-related PM-10 emissions would be minimized by the implementation of the appropriate Environmental Commitments (see Section 8.0). Any necessary air quality operating permits are the responsibility of the contractor.

Total project exhaust emissions are estimated to be well below all applicable standards (see page D-7). The proposed project is exempt from demonstrating conformity to state or Federal implementation Plans, in view of the determination that total emission of each criteria pollutant are estimated to be below *de minimus* levels as prescribed in 40 CFR 93.153(b). As a result, this project conforms with the Federal Clean Air Act as amended 1990.

4.8 Noise

Ambient noise within the project areas is generated primarily by Border Patrol and commercial activities. The urban environment directly south of the Border accounts for a significant portion of noise in the project areas. Current noise levels are considered low.

4.9 Cultural Resources

The area of potential effects (APE) for the proposed fence project was surveyed by a Corps of Engineers staff archeologist on January 7, 1997. Prior to commencing with the fieldwork, existing reports were consulted for the possibility of known cultural resources within the APE. None were noted. The physical survey was negative as well. If any cultural resources existed within the APE, they were likely destroyed by vehicular traffic, human foot traffic, and extensive grading/borrow activities.

5.0 ENVIRONMENTAL IMPACTS

5.1 Physical Environment

Considering the disturbed nature of the project sites, any impacts to the physical environment are anticipated to be minor and temporary. Some contouring of a knoll and notch occurring along the western portion of the Phase IA alignment would be necessary to lessen the local relief and to eliminate a potential hiding/staging area for illegal aliens who have scaled the existing Border fence. Less than 5 acres of grading would be involved; therefore, no Storm Water Pollution Prevention Plan is required (see following

the channel contains jurisdictional wetlands; although, the fence alignment does not impact the wetlands.

Burrowing owl (*Athene cuniclaria*) nesting habitat was observed on the north embankment of the stormwater drainage ditch adjacent to the vacant lot located east of Otay Mesa POE. This species is regulated by the California Department of Fish and Game (CDFG) and is protected Federally under the Migratory Bird Treaty Act (MBTA). Possible mitigation measures are identified in Section 5.4 to avoid impacts to the burrowing owl.

4.5 Land Use

Land use in the project areas includes commercial and agricultural activities. An inactive sand and gravel quarry is located west of the Phase IA site. The surrounding land character of both project areas is rural, although the densely urbanized areas of Tijuana lie immediately south of the International Boundary.

4.6 Aesthetics.

This area is characterized by its rural, pastoral nature. Vistas are composed of mountains and valleys. The area west of SBWWTP is disturbed by a history of gravel quarry operations. Abandoned vehicles, various structures, trash, and burns were noted during site surveys. These factors contribute to a generally degraded aesthetic quality of the Border area. The densely urban areas of Tijuana lie directly south of the Border. At lower elevations, the existing Border fence maintains a physical barrier to this

conveys sporadic flows which may contain significant concentrations of household and urban effluents.

4.3 Air Quality

The project area lies within the San Diego Air Basin (SDAB) along the International Boundary. The concentration of pollutants within the SDAB is measured at 10 stations maintained by the Air Pollution Control District (APCD) and the California Air Resources Board (CARB).

Air quality at a particular location is a function of the type and amount of pollutants being emitted into the air locally and regionally, and the dispersal rates of pollutants. The major factors affecting pollutant dispersion are: wind speed and direction, the vertical dispersion of pollutants (as influenced by inversions), and local topography.

Pollutants of major concern in the trans-border area of the SDAB are solid particulates (PM-10), sulfur dioxide, (SO2), carbon monoxide (CO), and ozone. Currently, San Diego exceeds U.S. ambient air quality standards in carbon monoxide and ozone.

4.4 Biological Resources

The project areas and vicinities were surveyed for biological resources in October, 1996 and again in January, 1997 to assess and characterize the affected communities, inventory existing biological components, and to ascertain the presence of any endangered species.

3.0 ALTERNATIVES

3.1 No Action Alternative

A "No Action" alternative, or no project construction, would result in the continuation of current levels of traffic and illegal entries in the proposed project areas. Current levels of habitat disturbance in the vicinities of the proposed project areas would also persist. In light of these considerations, the No Action alternative is deemed to be neither prudent nor in the best interest of the public or INS.

3.2 Enhanced Electronic Surveillance

An alternative implementing state-of-the-art electronic surveillance equipment would improve the detection and tracking of illegal entries; the desired benefit of preventing illegal entries and reduced policing efforts by the Border Patrol, however, would not be attained by this alternative. In addition, significant levels of habitat disturbance in the vicinities of the proposed project areas would continue. Therefore, no further consideration is given to this alternative.

3.3 Multi-tiered Fencing (Preferred Alternative)

Evaluation of the other alternatives indicates the implementation of the multi-tiered system of fencing to be the superior alternative for meeting the project Purpose and Need. This alternative would significantly reduce the number of illegal entries in the project areas and reduce the disturbance of natural habitats in the vicinity of the proposed alignments. Construction would occur mostly in

alignment. The streambed is approximately 5 feet wide and is sparsely vegetated with boulder/cobble substrate. The surrounding area is heavily disturbed due to gravel quarry operations. Flows are intermittent and coinicide with significant precipitation. When flowing, water quality in the stream appears to be poor (see Section 4.2).

In coordination with the San Diego Regulatory Field Office of the Los Angeles District Corps of Engineers and the San Diego Regional Water Quality Control Board, it was determined that installation of the box culvert would have minimal, short-term impacts to water quality and meets the qualifying criteria for Nationwide Permit No. 26A (projects involving the disturbance of less than 0.3 acres of aquatic habitat).

2.2.2 Phase II Fence Alignment/Characteristics

The western portion of Phase II would extend 0.7 mile from the POE toward La Media Road at a distance of 120 feet from the existing Border fence. An intermediate section of fence (0.5 mile) would occur between Otay Mesa POE and the Border, extending east from Drucker's Lane to State Route 125 at a distance of 95 feet from the Border. The remaining fence section would extend 0.3 mile east from the southeast corner of Otay Mesa POE at a distance of 120 feet from the existing Border fence and on the north side of the dirt access road. Total length of the Phase II fence would be 1.5 miles.

construction. To mitigate this effect, a truck watering program would be employed during construction to control the fugitive dust.

Minimal long-term impacts of the project would result from maintenance of the proposed fences primarily in the event of vandalism; although, implementation of the proposed fencing is expected to reduce the traffic levels of illegal aliens in the project areas.

2.0 PROPOSED ACTION

2.1 Purpose and Need for Proposed Action

The proposed fences are part of a multi-tiered system of fences planned to deter passage of illegal aliens at the specified locations. In addition to posing a psychological deterrent to crossing, the area between the existing and proposed fences would provide greater opportunity to apprehend illegal aliens and facilitate ongoing maintenance of Border fences by improved access. The existing conditions pose significant operational challenges to the Border Patrol and require concentrated agent deployment throughout the area. Much of the current control is attained by placing human resources directly along the Border. The proposed action would greatly reduce the flow of illegal drugs in the vicinity of the project areas.

2.2 Project Description

The proposed action consists of constructing several sections of fence (totaling 2.1 miles) adjacent to the existing Border fence just west of SBWWTP and in the vicinity of Otay Mesa POE. Although several types of fence

Project construction is planned in a total of three phases--Phase I, Phase IA, and Phase II. Phase I, located on the south flood control levee east of the South Bay Waste Water Treatment Plant (SBWWTP or Treatment Plant) (Figure 1), is currently under construction and was evaluated for environmental impacts under a Record of Environmental Consideration (REC) due to nominal environmental impacts and a fence alignment on an existing flood control levee.

Construction for Phases IA and II would occur over a period of about 8 months. The cumulative effects of all phases of the multi-tiered fencing project, however, are considered in this EA.

Construction crews would consist of about 7 to 8 workers for each Phase and the time to completion (with overlapping schedules) would be approximately 5 to 7 months for each Phase. The estimated construction start date for Phase IA is the third week of April, 1997. Phase II construction is scheduled to begin May, 1997. The expected construction completion date for Phases IA and II is September, 1997, but no later than September, 1998. In the event of delay, resource agencies and concerned individuals would be notified in writing. Where possible, construction of Phase II would be scheduled to avoid burrowing owl habitat during the breeding season (February 1 to August 31) (see Section 5.4 for details).

If operations occur during the breeding season, the construction area would be surveyed one week prior to

FIGURES

APPENDICES